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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-133

11 **LISA KANNA JASMER**  
12 **1187 8th St.**  
13 **Los Osos, CA 93402**  
**Registered Nurse License No. 438834**

**ACCUSATION**

14 Respondent.  
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16 Complainant alleges:  
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18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about March 31, 1989, the Board of Registered Nursing issued Registered  
23 Nurse License Number 438834 to Lisa Kanna Jasmer (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on July 31, 2012, unless renewed.

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1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
5 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
6 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
7 of this section, in which event the record of the conviction is conclusive evidence thereof."

8 8. Section 2770.11 of the Code states:

9 "(a) Each registered nurse who requests participation in a diversion program shall agree to  
10 cooperate with the rehabilitation program designed by a committee. Any failure to comply with  
11 the provisions of a rehabilitation program may result in termination of the registered nurse's  
12 participation in a program. The name and license number of a registered nurse who is terminated  
13 for any reason, other than successful completion, shall be reported to the board's enforcement  
14 program.

15 "(b) If a committee determines that a registered nurse, who is denied admission into the  
16 program or terminated from the program, presents a threat to the public or his or her own health  
17 and safety, the committee shall report the name and license number, along with a copy of all  
18 diversion records for that registered nurse, to the board's enforcement program. The board may  
19 use any of the records it receives under this subdivision in any disciplinary proceeding."

20 9. Section 490 of the Code states:

21 "A board may suspend or revoke a license on the ground that the licensee has been  
22 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
23 of the business or profession for which the license was issued. A conviction within the meaning  
24 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
25 contendere. Any action which a board is permitted to take following the establishment of a  
26 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
27 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
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1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
2 Code."

### 3 COST RECOVERY

4 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

### 8 CONTROLLED SUBSTANCES

9 11. "Clonazepam" or "Klonopin" is an anticonvulsant and depressant of the central  
10 nervous system. It is a Schedule IV controlled substance as defined in Health and Safety Code  
11 section 11057, and is categorized as a dangerous drug pursuant to section 4022.

12 12. "Fioricet with Codeine" is a combination drug product (butalbital, acetaminophen,  
13 caffeine, and codeine phosphate). It is a Schedule III controlled substance as defined in Health  
14 and Safety Code section 11056, subdivision (e)(2), and is categorized as a dangerous drug  
15 pursuant to section 4022.

16 13. "Norco" or "Hydrocodone with Acetaminophen" is a Schedule III controlled  
17 substance as defined in Health and Safety Code section 11056, subdivision (e), and is categorized  
18 as a dangerous drug pursuant to section 4022.

19 14. "Oxycontin" or "Oxycodone Hydrochloride" is an opiod. It is a Schedule II  
20 controlled substance and narcotic as defined by section 11055, subdivision (b)(1), and is  
21 categorized as a dangerous drug pursuant to section 4022.

22 15. "Soma" or "Carisoprodol" is a muscle relaxant and sedative. It is a dangerous drug  
23 pursuant to section 4022.

### 24 FIRST CAUSE FOR DISCIPLINE

#### 25 (Criminal Convictions)

26 16. Respondent's license is subject to discipline under Code sections 490 and 2761,  
27 subdivision (f), in that on or about October 17, 2010, after pleading nolo contendere, Respondent  
28 was convicted of one misdemeanor count of violating Vehicle Code section 23103.5 [reckless

1 driving involving alcohol or drugs] in the criminal proceeding entitled *The People of the State of*  
2 *California v. Lisa Kanna Jasmer* (Super. Ct. San Luis Obispo County, 2010, No. M000450787).

3 Respondent was placed on 18 months probation and ordered to complete a driving while  
4 intoxicated 1st offender 3 month program. The circumstances are as follows:

5 17. On or about August 16, 2010, Officer Mark Martin of the Morrow Bay Police  
6 Department responded to a 911 call reporting a reckless and possibly impaired driver who had  
7 almost collided with several vehicles as a result of swerving over the center line. Officer Martin  
8 arrived at a Bank of America parking lot and saw Respondent seated behind the steering wheel of  
9 her car at the drive up teller. Respondent had difficulty entering information into the drive up  
10 teller and was there for an extended period of time (1419 hours to 1425 hours). Respondent  
11 began to drive away and Officer Martin conducted a vehicle stop on her in the parking lot. Upon  
12 contact Officer Martin observed Respondent display the objective symptoms of central nervous  
13 system depressant use; slow speech, droopy eyelids-Ptoisis, slow movements, and eyelid and body  
14 tremors. Respondent also had an unsteady balance and was swaying in a side to side motion.  
15 Later, in the Morrow Bay Police Department holding cell, Respondent admitted to Officer Martin  
16 that a blood sample would show Clonazepam and Fioricet with Codeine. Officer Martin formed  
17 the opinion that Respondent was under the influence of central nervous system depressants, and  
18 was impaired to the extent she was unable to operate a vehicle safely.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Dangerous Use of a Controlled Substance or Dangerous Drug)**

21 18. Respondent's license is subject to discipline under Code section 2762, subdivision  
22 (b), in conjunction with Code section 2761, subdivision (a), for unprofessional conduct, in that  
23 she used controlled substances and dangerous drugs in a manner dangerous to herself and others.  
24 The circumstances are as follows:

25 19. On or about May 31, 2011, during her intake at Maximus diversion, Respondent  
26 admitted to being a binge narcotics user, admitted using 20 pills of Norco in a 10 hour period on  
27 May 26, 2011, admitted to using 12 Somas in one day on May 24, 2011, and admitted to using 2  
28 Oxycontin pills sometime in the last 30 days.

1        20. Complainant refers to and incorporates all the allegations contained in paragraph 16  
2 and 17, above, as though set forth fully.

3                                    **THIRD CAUSE FOR DISCIPLINE**

4        **(Conviction of Criminal Offense Involving the Consumption or Self-Administration of**  
5                                    **Controlled Substances)**

6        21. Respondent's license is subject to discipline under Code section 2762, subdivision  
7 (c), in conjunction with Code section 2761, subdivision (a), for unprofessional conduct, in that  
8 she was convicted of a criminal offense involving the prescription, consumption, or self-  
9 administration of a controlled substance. Complainant refers to and incorporates all the  
10 allegations contained in paragraph 16 and 17, above, as though set forth fully.

11                                    **AGGRAVATING FACTORS**

12        22. On or about June 8, 2011, Respondent was terminated from the Maximus Diversion  
13 Program as a Public Safety Risk. At her intake on May 31, 2011, Respondent admitted to a long  
14 history of substance abuse and extensive history of employment terminations. She was instructed  
15 to contact Clinical Case Manager (CCM) on June 1, 2011 regarding referral sources for Diversion  
16 Evaluation Committee (DEC) Chair-requested inpatient detox and residential treatment but  
17 Respondent did not follow through with her call. Maximus attempted to contact Respondent but  
18 did not received a return call. The Maximus on-call CCM reported that Respondent's husband  
19 phoned Maximus and stated that Respondent was in really bad shape, was sick, needed help, and  
20 he believed Respondent may have left the state. After being apprised of Respondent's lack of  
21 follow-through, the DEC 12 Chair recommended that Respondent be terminated from the  
22 Diversion Program as a public risk due to her extensive substance abuse history, her employment  
23 termination history, and her unwillingness to return Maximus' phone calls which all place the  
24 public welfare at risk.

25                                    **PRAYER**

26        WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:

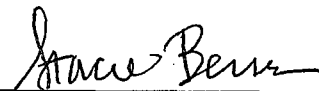
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- 1           1.     Revoking or suspending Registered Nurse License Number 438834, issued to Lisa
- 2     Kanna Jasmer;
- 3           2.     Ordering Lisa Kanna Jasmer to pay the Board of Registered Nursing the reasonable
- 4     costs of the investigation and enforcement of this case, pursuant to Business and Professions
- 5     Code section 125.3; and
- 6           3.     Taking such other and further action as deemed necessary and proper.

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9     DATED: August 24, 2011

  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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